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May 7, 2020

**Via ECF**

Hon. Steven L. Tiscione, U.S.M.J.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Chinchu v. Patel  
Case No.: 17-cv-06127-ILG-ST

Your Honor:

This firm represents the named Plaintiff Carlos Chinchu in the above-referenced action. We write to respectfully request that discovery remain open prior to the Court turning over the remainder of this action to Judge Glasser. To be clear, we are asking that discovery remain open **solely** for the purpose of Plaintiff making a motion for sanctions and other related relief against Defendant and/or his counsel. We stress that we are not asking for discovery to be kept open or extended for any other purpose. Prior to making this application, we reached out to obtain defense counsel's consent, but we could not arrive at any agreement.

As the Court may remember, on April 23, 2020, defense counsel, Jason Mizrahi, conducted a remote deposition of Plaintiff using the Zoom application. During this deposition Mr. Mizrahi committed an abundant array of improper and unethical actions – both during breaks and on the record – which tainted the proceeding (and transcript) and necessitated a phone call to Your Honor for an immediate ruling. Ultimately, the Court gave Plaintiff's counsel leave to make a motion against the defense for any alleged wrongdoing after we obtained a copy of the transcript.

We recently obtained a copy of the transcript as well as other information/evidence proving Mr. Mizrahi's egregious behavior during the deposition. We would now like to make our application. However, the parties' pre-motion letters related to any intended dispositive motions are due tomorrow. Accordingly, we ask that the Court (1) allow Plaintiff to submit his motion for sanctions by **May 15, 2020** and (2) stay the deadline for submitting the aforementioned pre-motion

letters pending the Court's decision on our motion. As this is an urgent and important matter, we would gladly have a phone conference with the Court to provide any additional information.

We thank the Court for its attention and consideration to this matter.

Respectfully submitted,  
LAW OFFICES OF WILLIAM CAFARO

/s/  
Louis M. Leon (LL 2057)

To: All Counsel *via* ECF